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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,059	02/01/2001	Fan Piao	39153/306 (F0793)	8057

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Joseph N. Ziebert
FOLEY & LARDNER
Firststar Center
777 East Wisconsin Avenue
Milwaukee, WI 53202-5367

EXAMINER

CHACKO DAVIS, DABORAH

ART UNIT	PAPER NUMBER
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1756

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DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

T.P

Office Action Summary	Application No. 09/775,059	Applicant(s) PIAO, FAN	
	Examiner Daborah Chacko-Davis	Art Unit 1756	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 01 February 2001.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) 1-6 and 15-20 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 7-14 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 6.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, and 15-20, are drawn to an apparatus, classified in class 345, subclass 87.

II. Claims 7-14, are drawn to a method, classified in class 430, subclass 311.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method does not require a mask coupled to a computer or any controlling means wherein the control signal from the computer controls the light pattern produced from the reticle, and the method as recited can be performed in an e-beam apparatus.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Joseph N. Ziebert on November 13, 2002 a provisional election was made with traverse to prosecute the invention of Group II, claims 7-14. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 1-6, and 15-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 7-14, are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,097,361 (Rohner).

Rohner, in col 1, lines 8-12, in col 3, lines 43-63, and in col 4, lines 1-67, and in col 5, lines 1-7, discloses a method of manufacturing an integrated circuit comprising providing a pattern of radiation via an LCD assembly and performing a semiconductor fabrication process with a pattern of radiation, and providing a second pattern of radiation via the LCD panel to perform a second semiconductor fabrication with the second pattern of radiation (claims 7-8, and 14). Rohner, in col 4, lines 9-40, and in col 6, lines 25-41, discloses that a step-and repeat process is performed to produce the pattern on the light sensitive layer on the substrate (claim 9). Rohner, in col 1, lines 1-20, discloses that the integrated circuits are produced by patterning layers in succession

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to form features (metal lines) that comprise elements of an integrated circuit (application specific IC) (claims 10, and 13). Rohner, in col 10, lines 38-67, and in col 11, lines 1-10, discloses that the pattern structure is that of a MOS transistor (claim 11). Rohner, in col 3, lines 61-67, and in col 4, lines 1-8, and lines 21-25, discloses that the pattern is stored electronically (memory unit configures the LCD display data) (claim 12).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U. S. Patent No. 6,379,867 (Mei et al) teaches the use of an LCD mask that is configurable by control means, and can be used to form patterns of radiation.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (703) 306-5923. If the examiner is unavailable, you may contact her supervisor, Mark F. Huff at (703) 308-2464. FAX communications should be sent to the appropriate FAX number; (703) 872-9311 for After Final Responses only or (703) 872-9310 for all other responses. FAXES received after 4:00 P.M. will not be processed until the following business day.

dcd

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MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

November 14, 2002.